IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 28TH JUNE 2007 / 7TH ASHADHA 1929

WA.No. 479 of 2002()

AGAINST THE JUDGEMENT IN OP.20178/1997
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APPELLANT: PETITIONERS:
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1. K.K.SURESH, ANCILLIARY WORKER,
FOOD CORPORATION OF INDIA,MULANKUNNATHUKAVU DEPOT,
THRISSUR.

2. P.L.SEBY, ANCILLIARY WORKER,
FOOD CORPORATION OF INDIA,MULANKUNNATHUKAVU DEPOT.
THRISSUR.

BY ADV. SRI.KRB.KAIMAL

RESPONDENTS: RESPONDENTS:
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1. THE FOOD CORPORATION OF INDIA,
REPRESENTED BY ITS MANAGING DIRECTOR, 16-20,
BARAKHAMBA LANE, FOOD CORPORATION OF INDIA (HEAD
QUARTERS), NEW DELHI.

2. SENIOR REGIONAL MANAGER,
FOOD CORPORATION OF INDIA, THIRUVANANTHAPURAM.

3. THE DISTRICT MANAGER,
FOOD CORPORATION OF INDIA, THRISSUR.

4. T.R.C.L.C. CO-OPERATIVE SOCIETY LTD.,
NO.R.730, MULANKUNNATHUKAVU, THRISSUR,REPRESENTED
BY ITS SECRETARY.

BY ADV. SRI.T.P.M.IBRAHIM KHAN, SC, FCI

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD
ON 28/06/2007, ALONG WITH WA NO. 480 OF 2002
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & ANTONY DOMINIC, JJ

W.A.479/2002 & 480/2002

Dated this the 28th day of June, 2007

JUDGMENT

K.S.Radhakrishnan, J.

Both these appeals arise out of a common judgment in O.P.Nos.20178/1997 and 20334/1997. O.P.No.20178/1997 was preferred seeking a writ of mandamus directing the respondents to regularise the services of the petitioners and also for other consequential reliefs. Learned Single Judge disposed of the petition along with another writ petition, following the decision of the Apex Court in **Steel Authority of India v. National Union Water Front Worker and Others (2001 JT (7) SC 268)** without prejudice to the rights of the petitioners to work out their remedies accordingly. Counsel for the petitioners submitted that the dictum laid down in "Steel Authority of India" would not apply to the petitioners.

2. No materials have been produced to show that the petitioners had worked as Contract Labourers in the

Corporation. On the other hand, available facts would indicate they were working as Officer Assistants. It is specifically stated in paragraph 15 of the counter affidavit that "the appointment of the petitioners were made by the FCI as clerical staff to attend the clerical work of the society who were graduates and post Graduates appointed by the concerned societies in other Districts to work as Secretary/Clerical Staff, who also expressed their willingness to work as Casual Labourers."

3. In such circumstances, the petitioners are not entitled to get regularisation of services as Contract Labourers. Hence both the appeals are dismissed.

K.S.RADHAKRISHNAN
Judge

ANTONY DOMINIC
Judge

mrcs